

DENNIS J. HERRERA, State Bar #139669
City Attorney
ELIZABETH S. SALVESON, State Bar #83788
Chief Labor Attorney
ANDREW GSCHWIND, State Bar #231700
Deputy City Attorney
Fox Plaza
1390 Market Street, Fifth Floor
San Francisco, California 94102-5408
Telephone: (415) 554-3973
Facsimile: (415) 554-4248

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

CURTIS G. OLER, State Bar # 63689
LAW OFFICES OF CURTIS G. OLER
Post Office Box 15083
San Francisco, CA 94115
Telephone: 415-346-8015
Facsimile: 415-346-8238

Attorney for Plaintiff
JUNE BOWSER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUNE BOWSER,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, MUNICIPAL
TRANSPORTATION AGENCY AND DOES
1 to 25, Inclusive,

Defendants.

Case No. CV 10 2776 JSW

**STIPULATION AND ~~[PROPOSED]~~ ORDER
REMOVING CASE FROM ADR PROGRAM**

The parties, Plaintiff June Bowser, and Defendant City and County of San Francisco, by and through their attorneys of record, hereby stipulate and request that the Court remove this case from the Court's ADR Program.

1 Currently, the parties are scheduled to mediate this action on July 14, 2011 before Court-
 2 appointed mediator Nancy J. Foster, of the Northern California Mediation Center.

3 This is the first stipulation and proposed order to remove this action from the Court's ADR
 4 Program. The parties request this continuance for the following reasons.

5 Current defense counsel appeared in this action on May 11, 2011, following the departure of
 6 former Deputy City Attorney Adelmise Warner from the City Attorney's Office. Current defense
 7 counsel, Andrew Gschwind, completed Plaintiff's deposition on June 23, 2011. In light of Plaintiff's
 8 testimony and the facts known to defense counsel, defense counsel will not recommend to his client
 9 offering any money to settle this action if this case is mediated. This is based on defense counsel's
 10 assessment of Plaintiff's claims. In light of this, defense counsel notified both Plaintiff's counsel,
 11 Curtis Oler, and the Court-appointed mediator, Nancy Foster, of this position so that they do not waste
 12 needless time or expense mediating this action.

13 Both Ms. Foster and plaintiff's counsel agree that, in light of the City's position, it does not
 14 make sense to mediate this action.

15 If the Court nonetheless believes that mediation should be conducted in any event, the City will
 16 mediate this action.

17 Dated: June 29, 2011

DENNIS J. HERRERA
 City Attorney
 ELIZABETH SALVESON
 Chief Labor Attorney
 ANDREW GSCHWIND
 Deputy City Attorney

21 By: _____/s./_____
 22 ANDREW GSCHWIND

23 Attorneys for Defendant
 24 CITY AND COUNTY OF SAN FRANCISCO

1 Dated: June 29, 2011

Respectfully submitted,

2 LAW OFFICES OF CURTIS G. OLER

3 By: _____/s./_____
4 CURTIS G. OLER¹

5 Attorney for Plaintiff
6 JUNE BOWSER

7
8
9 **[PROPOSED] ORDER**

10 Good cause appearing from the Parties' stipulation, the Court hereby removes this case from
11 the Court-ordered ADR Program. The July 14, 2011 mediation is canceled.

12 SO ORDERED.

13
14 Date: June 30, 2011 _____

15 
16 The Honorable Jeffrey S. White
17 UNITED STATES DISTRICT COURT JUDGE

18
19
20
21
22
23
24
25
26
27
28 ¹ Per General Order 45, section X.B., defense counsel hereby attests that he has obtained the concurrence, consent and authorization of Mr. Oler's office to file this document on his behalf.